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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 GERALD ARMSTRONG,

CASE NO. CV-N-97-00670 ECR (RAM)

15 Plaintiff,

16 vs.

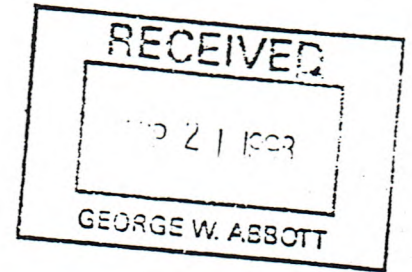
17 DAVID MISCAVIGE and CATHY
NORMAN, individuals; CHURCH OF
18 SCIENTOLOGY INTERNATIONAL, a
California corporation; the RELIGIOUS
19 TECHNOLOGY CENTER, a California
corporation; the SEA ORGANIZATION,
20 a California based unincorporated entity;
and the CHURCH OF SCIENTOLOGY
21 OF TEXAS, a Texas corporation,

22 Defendants.
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24

**MOTION TO DISMISS COMPLAINT FOR
LACK OF SUBJECT MATTER
JURISDICTION; LACK OF PERSONAL
JURISDICTION; IMPROPER VENUE;
AND BECAUSE PLAINTIFF IS A
FUGITIVE FROM JUSTICE**

25 COMES NOW Defendant Church of Scientology International and moves this Court for its Order
26 dismissing the Complaint in the above-captioned action pursuant to Federal Rule of Civil Procedure 12
27 (b)(1) and (2). This action is based upon the fact that:

28 Plaintiff failed to allege adequately the basis for diversity jurisdiction because he alleged merely

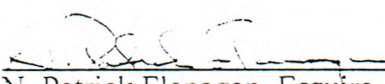


1 that he was "a resident of Nevada at the time of filing this complaint," (Compl. ¶ 5), and an allegation of
2 residency alone is insufficient to establish the citizenship required to invoke diversity jurisdiction pursuant
3 to 28 U.S.C. § 1332;

4 Plaintiff cannot cure the defect by repleading because at the time of filing the complaint, he had not
5 established a domicile in Nevada, but rather was living in Canada as a fugitive from a jail sentence and fine
6 for contempt of court, and a bench warrant for in his arrest, both issued by the Superior Court of California
7 for Marin County. At the time that he fled California for Canada, plaintiff was a permanent resident and
8 domiciliary of California. Plaintiff failed to allege any facts to demonstrate that the Court has personal
9 jurisdiction over Defendant CSI; there is no basis for the Court to assert personal jurisdiction over
10 Defendant CSI because there are no contacts between Defendant and the State of Nevada; venue in the
11 court is improper under 28 U.S.C. § 1391(a); plaintiff should be precluded from litigating this action
12 because he is fugitive from justice.

13 This motion is supported by the Memorandum of Points and Authorities attached hereto and the
14 exhibits and pleading appended thereto as well as the pleadings, records and files in this action; and upon
15 such further evidence and argument as may be presented at the hearing on this motion.

16 DATED this 20th day of April, 1998.

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